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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Dayton, Ohio

NCR Docket No. 9419.00

Application of

Robin Mackay et al.

Serial No. 09/978,504

Filed: **October 16, 2001**

For: **ONLINE AUCTION SYSTEMS**

MAR 19 2002

Group Art Unit: **2164**

Examiner: **Unknown**

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF MICHAEL CHAN

Sir:

I, Michael Chan, being duly sworn, do hereby declare and state:

1. I am employed as a Senior Attorney in the Intellectual Property Section of the Law Department of NCR Corporation. I am located in the Dayton offices of the NCR Corporation.

2. I work with Christine Sheppard, Paralegal in the Intellectual Property Section of the Law Department, who is located in the London offices of the Intellectual Property Section of the Law Department of NCR Corporation.

3. I am responsible for preparing and prosecuting patent applications for the Financial Solutions Group of NCR Corporation.

4. On August 16, 2001 or thereabouts, an electronic copy of the specification, claims, and drawings for priority patent application Serial No. 0025570.3 filed October 18, 2000 in the U.K. Patent Office was received from the London offices of the Intellectual

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OFFICE OF PETITIONS

Property Section of the Law Department. I used the electronic copy to prepare a corresponding U.S. patent application for filing in the U.S. Patent Office.

5. On November 5, 2001, a copy of U.S. patent application papers (including copy of specification, claims, drawings, and an unsigned declaration) corresponding to the above-identified U.S. patent application, Serial No. 09/978,504, were filed in the U.S. Patent Office. The above-identified U.S. patent application claims priority of priority patent application Serial No. 0025570.3 filed October 18, 2000 in the U.K. Patent Office.

6. On November 26, 2001, a Notice to File Missing Parts of Application (Filing Date Granted) dated November 20, 2001 from the U.S. Patent Office was received in the Dayton offices of the Intellectual Property Section of the Law Department.

7. On November 5, 2001 or thereabouts, two sets of U.S. patent application papers (including copy of specification, claims, drawings, declaration of inventors, and assignment for inventors) corresponding to the above-identified U.S. patent application, Serial No. 09/978,504, were sent from the Dayton offices to the London offices of the Intellectual Property Section of the Law Department for subsequent forwarding to joint inventors Robin Mackay and Richard Cudd to sign the declaration and the assignment.

8. On January 15, 2002 or thereabouts, upon realizing that the U.S. patent application papers including executed declaration of inventors for the above-identified U.S. patent application, Serial No. 09/978,504 would most likely not be received in the Dayton Offices of the Intellectual Property Section of the Law Department for filing in the U.S. Patent Office, I started to prepare a Petition under 37 C.F.R. Section 1.47(a) along with its accompanying papers for filing in the U.S. Patent Office.

9. On March 18, 2002, a set of documents including Christine Sheppard's affidavit and its accompanying exhibits were received from the London offices of the

Intellectual Property Section of the Law Department. The set of documents included an original set of U.S. patent application papers executed by Richard Cudd.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

WHEREFORE, I hereby subscribe my name to the foregoing declaration.

Signed at Dayton, Ohio this 19TH day of March 2002.



Michael Chan
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